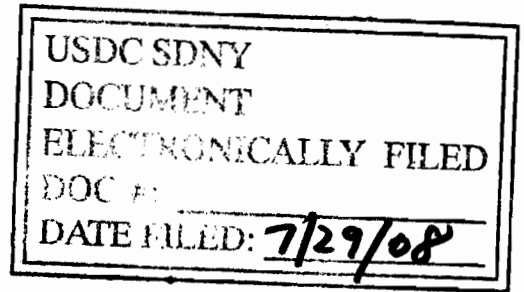


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



-----X
UNITED STATES OF AMERICA,

-against-

SHELDON DUVALL SACHEL,

Defendant.
-----X

ORDER

06 Cr. 790 (AKH)

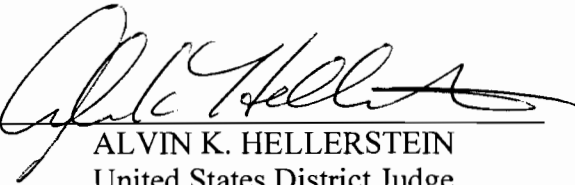
ALVIN K. HELLERSTEIN, U.S.D.J.:

By order dated May 27, 2008, I notified defendant of my intention, pursuant to the limited remand by the United States Court of Appeals for the Second Circuit of this case for resentencing in light of United States v. Anati, 457 F.3d 233 (2d Cir. 2006), to consider departing upwards, or to impose a non-guidelines sentence pursuant to the factors set forth in 18 U.S.C. § 3553(a), and for the reasons set out at the sentencing hearing held on September 25, 2007. In this order, I gave defendant until June 27, 2008, to argue for a lesser or guidelines sentence. On June 23, 2008, I enlarged the time for defendant to respond to July 15, 2008 upon request of defendant's counsel.

On July 15, 2008, defendant's counsel advised the Court that defendant does not wish to challenge his sentence, and wishes further to withdraw or waive his right to challenge the non-Guidelines sentence. The Government advises that it has no objection. Any objection by defendant to his sentence is hereby withdrawn, and the sentence of 60 months imprisonment and three years of supervised release, with all terms and conditions previously imposed, will remain in effect.

SO ORDERED.

Dated: July 28, 2008
New York, New York


ALVIN K. HELLERSTEIN
United States District Judge